

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**FRESH & EASY NEIGHBORHOOD
MARKET, INC.**

and

**Cases 31-CA-077074
31-CA-080734**

**UNITED FOOD AND COMMERCIAL WORKERS
INTERNATIONAL UNION**

ORDER DENYING MOTION

The Respondent's Motion to Dismiss Revised Consolidated Complaint is denied. The Respondent has failed to establish that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law.

Dated, Washington, D.C., January 9, 2013.

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER